IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1072 OF 2006

Smt Parvatibai Damu Vyavahare ...Appellants

v/s

Deovasthan Panch Committee and ors. ...Respondents

Mr G.S. Godbole for Appellant.

Mr S.M. Mhamane for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 13TH JULY 2007.

P.C. :-

1. By consent of parties, appeal is disposed off in following terms.

2. Orders of both the Courts below which are impugned in this appeal are set aside. R.C.S. No.999 of 1989 is restored to the file of the Trial Court.

3. The plaintiffs are granted leave to amend the plaint by adding all the trustees of the plaintiffs. Amendment to be carried out in the plaint within a period of six weeks from today. The plaintiffs are also granted leave to amend the plaint for bringing on record legal representatives of deceased defendant No.1.

4. Mr Godbole, learned counsel appearing for appellant undertakes that Vakalatnama of legal representatives of deceased defendant No.1 would be filed and that all the defendants shall file their written statement within a period of eight weeks from today. The Trial Court shall thereafter take up trial of the suit and decide it in accordance with law. Appeal is disposed off. In view of this order passed in appeal, civil application No.1817 of 2006 does not

survive for consideration and disposed off as such.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.